



C.R.P.(MD)No.3164 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3164 of 2023
and
C.M.P.(MD)No.16294 of 2023

Balraj

... Petitioner/
Petitioner

Vs.

1. Backiyaraj

2. Moorthy

3. Gomathi

... Respondents/
Respondent

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.12.2022 in I.A.No.01 of 2022 in O.S.No.224 of 2022 on the file of the learned I Additional District Judge, Tiruchirappalli.

For Petitioner : Mr.P.Ganapathi Subramanian



C.R.P.(MD)No.3164 of 2023

WEB COPY

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.01 of 2022 in O.S.No.224 of 2022 dated 23.12.2022, on the file of the 1st Additional District Court (PCR), Tiruchirappalli, dismissing the application filed under Order 38 Rule 5 C.P.C.

2. The revision petitioner has filed the suit in O.S.No.224 of 2022 for recovery of Rs.36,62,500/-. Pending suit, the above application in I.A.No.01 of 2022 came to be filed seeking attachment of three items of the properties, which includes, one item situated in Thiruvananthapuram and all the jewels available in Shree Mahendra Jewelers situated in Trichy.

3. The learned trial Judge, by observing that the revision petitioner has not furnished the valuation of the properties sought to be attached and regarding movable properties, they have simply mentioned as all the jewels in Shree Mahendra Jewelers at Trichy and that the revision petitioner does not fulfill the legal requirements contemplated under Order 38 Rule 5 C.P.C., dismissed the application.



C.R.P.(MD)No.3164 of 2023

WEB COPY

4. Considering the fact and circumstances and taking note of the observations of the trial Court, the impugned order dismissing the application cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

5. In the result, this Civil Revision Petition is dismissed. However, the revision petitioner is at liberty to file a fresh application for attachment on complying the necessary requirements contemplated under Order 38 Rule 5 C.P.C. Consequently, connected Miscellaneous Petition is closed.
No costs.

06.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The 1st Additional District Court (PCR),
Tiruchirappalli.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.3164 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.3164 of 2023
and
C.M.P.(MD)No.16294 of 2023

Dated : 06.12.2023